

# Exhibit C

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASETEK DANMARK A/S, )  
)  
Plaintiff and )  
Counter-Defendant, )  
)  
vs. ) Case No. 3:19-cv-00410-EMC  
)  
COOLIT SYSTEMS, INC., )  
)  
Defendant and )  
Counter-Claimant. )  
)  
COOLIT SYSTEMS USA INC., )  
COOLIT SYSTEMS ASIA PACIFIC )  
LIMITED, COOLIT SYSTEMS )  
(SHENZHEN) CO., LTD., )  
)  
Defendants, )  
)  
COSAIR GAMING INC., and )  
CORSAIR MEMORY INC., )  
)  
Defendants. )  
)

DEPOSITION OF DAVID TUCKERMAN, Ph.D.  
MONDAY, DECEMBER 22, 2021

Reported Remotely and Stenographically by:  
JANIS JENNINGS, CSR No. 3942, CLR, CCRR  
Job No. 4997336

REMOTE DEPOSITION OF DAVID TUCKERMAN, Ph.D., located in Lake Stevens, Washington, taken on behalf of the Defendants and Counter-Claimants CoolIT entities and Corsair entities, beginning at 9:10 a.m., on Wednesday, December 22, 2021, sworn remotely by Janis Jennings, Certified Shorthand Reporter No. 3942, CLR, CCRR, located in the City of Walnut Creek, County of Contra Costa, State of California.

REMOTE APPEARANCES:

For Plaintiff and Counter-Defendant Asetek Danmark

A/S:

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

BY: ARPITA BHATTACHARYYA, ESQ.

3300 Hillview Avenue

Palo Alto, California 94304

650.849.6600

arpita.byattacharyya@finnegan.com

For Defendants and Counter-Claimant CoolIT entities and

Corsair entities:

COOLEY RLLP

BY: REUBEN CHEN, ESQ.

DUSTIN KNIGHT, ESQ.

3175 Hanover Street

Palo Alto, California 94304

650.843.5000

rchen@cooley.com

dknight@cooley.com

Also Present:

SOSEH KEVORKIAN, Videographer

I N D E X

WITNESS

PAGE

DAVID TUCKERMAN, Ph.D.

EXAMINATION BY MR. KNIGHT

9

QUESTIONS NOT ANSWERED

PAGE

LINE

53

24

232

20

1 Dr. Tuckerman, have you ever spoken with 09:18  
2 anyone at Asetek? 09:18  
3 A. I have not spoken with anyone from Asetek. 09:18  
4 Q. Okay. Okay. And do you speak Danish, 09:18  
5 Dr. Tuckerman? 09:18  
6 A. No, I do not. 09:18  
7 Q. Okay. Do you read Danish? 09:18  
8 A. I can't say that I do. 09:18  
9 Q. Okay. Okay. Now, did you review any of 09:18  
10 Asetek's documents in preparing your rebuttal 09:18  
11 report? 09:18  
12 A. There -- well, there was a -- I mean, there 09:18  
13 was a deposition from Eriksen that I recall. The -- 09:18  
14 there was -- I mean, there was -- can I see the 09:18  
15 Materials Considered list? 09:19  
16 Q. Yes. It should be in the folder, so feel 09:19  
17 free to review that to refresh your recollection. 09:19  
18 DEPOSITION REPORTER: Dr. Tuckerman, I think 09:19  
19 we're getting your notifications in the audio, if 09:19  
20 you're able to shut that off, please. 09:19  
21 THE WITNESS: I don't -- really? 09:19  
22 DEPOSITION REPORTER: Well, it was 09:19  
23 somebody's. I thought it was yours, but I could be 09:19  
24 wrong. 09:19  
25 THE WITNESS: I'm not hearing anything. I

1 mean, what I could do is -- let me -- I mean, I had 09:19  
2 my mail open so that is where I had to go to open up 09:19  
3 this Zoom meeting. So I closed my email. 09:19  
4 There's -- let's see -- I think -- I'm hoping you 09:20  
5 won't hear any more. I mean, I didn't hear 09:20  
6 anything, but anyway... 09:20  
7 DEPOSITION REPORTER: Thank you. 09:20  
8 THE WITNESS: I don't know if it was me. 09:20  
9 Okay. So you asked about -- what was your 09:20  
10 question again? 09:20  
11 BY MR. KNIGHT: 09:20  
12 Q. Sure. I just asked you if you reviewed any 09:20  
13 Asetek documents in preparing your rebuttal 09:20  
14 noninfringement report. 09:20  
15 A. I don't see anything here other than the 09:20  
16 deposition transcript of Andre Eriksen taken on 09:21  
17 August 24th and 25th. So that's it. 09:21  
18 Q. Okay. And that Materials Considered list, 09:21  
19 is that a complete list of the materials that you 09:21  
20 reviewed in preparing your noninfringement report? 09:21  
21 A. As far as I can recall, yes. 09:21  
22 Q. Okay. Okay. Now, for the opinions in your 09:21  
23 rebuttal report, did you write those opinions? 09:21  
24 A. They were written in collaboration with 09:21  
25 counsel. 09:21

1 Q. Okay. And is it fair to say that the 09:21  
2 opinions in your noninfringement report are your own 09:21  
3 though? 09:22

4 A. That's absolutely correct. 09:22

5 Q. Okay. And they're not someone else's 09:22  
6 opinions; right? 09:22

7 A. That is correct. 09:22

8 Q. Okay. Who prepared the first draft of your 09:22  
9 report? 09:22

10 A. The first draft was prepared by Arpita. 09:22

11 Q. Okay. Okay. Great. Okay. 09:22

12 So could you please turn to paragraphs 48 09:22  
13 and 50 in your report. And I would just like you to 09:22  
14 read those paragraphs for me. Let me know when you 09:22  
15 are finished. 09:22

16 A. Yeah. By the way, I should mention there 09:22  
17 was back and forth before, you know, the first draft 09:22  
18 and lots of back and forth after the first draft, 09:22  
19 you know. 09:22

20 Q. Great. Great. I wouldn't expect anything 09:22  
21 less. 09:22

22 A. Yes. So repeat your last question, please. 09:22

23 Q. Yeah. Yeah. I just asked if you could turn 09:22  
24 to paragraphs 48 and 50 in your report and read 09:22  
25 those paragraphs for me, and just let me know when 09:23



Page 16

1           So are you saying that you have seen this           09:29  
2   document before?           09:29  
3           A.    Oh, yes, indeed.   Yeah.           09:29  
4           Q.    Okay.   Okay.   Can we switch to your           09:29  
5   Materials Considered list.           09:29  
6           A.    Right.           09:29  
7           Q.    And for your Materials Considered list, can   09:29  
8   you point me to where in that list it describes           09:29  
9   Dr. Tilton's corrected supplemental declaration?           09:30  
10          A.    Well, it's part of -- I mean, this is part   09:30  
11   of a PTAB case, and I certainly remember seeing this   09:31  
12   document.   I inferred that it is a component of the   09:31  
13   PTAB's final written decision in IPR2020-00825, that   09:31  
14   it would be a component of that decision.           09:31  
15          If that's not correct, then let's -- that it   09:32  
16   is a component of it, it doesn't change the fact           09:32  
17   that I have seen the document.           09:32  
18          Q.    Okay.   So I'll represent to you that           09:32  
19   Dr. Tilton's corrected supplemental declaration is           09:32  
20   not a component of the PTAB's final written           09:32  
21   decision.   So to confirm --           09:32  
22          MS. BHATTACHARYYA:   Objection.   Okay.   Go           09:32  
23   ahead, Dustin.           09:32  
24          MR. KNIGHT:   Okay.  
25          MS. BHATTACHARYYA:   Finish your question.           09:32

1 MR. KNIGHT: Yep. 09:32

2 BY MR. KNIGHT: 09:32

3 Q. So to confirm, the Materials Considered list 09:32

4 only recites that you considered the PTAB's final 09:32

5 written decision in IPR2020-00825; correct? 09:32

6 MS. BHATTACHARYYA: Objection. Form. 09:32

7 Mischaracterizes prior testimony. Mischaracterizes 09:33

8 the document. 09:33

9 THE WITNESS: Just a moment, please. 09:33

10 BY MR. KNIGHT: 09:33

11 Q. Of course. Take your time. 09:33

12 A. Okay. So repeat your question, please. 09:34

13 Q. So my question is: In your Materials 09:34

14 Considered list, you only cite the final written 09:35

15 decision in IPR2020-00825; correct? 09:35

16 MS. BHATTACHARYYA: Same objections. Same 09:35

17 objections. 09:35

18 THE WITNESS: I cite that IPR202-000825 09:35

19 document in my report -- well, in Materials 09:35

20 Considered also, yes. 09:35

21 BY MR. KNIGHT: 09:35

22 Q. When you say "document," you mean the PTAB's 09:35

23 final written decision? 09:35

24 MS. BHATTACHARYYA: Objection. 09:35

25 Mischaracterizes prior testimony. 09:35

1 THE WITNESS: Well, what is -- okay. So 09:36  
2 what I am saying is IPR2020-00825 is referred to in 09:36  
3 this report and the Materials Considered list -- the 09:36  
4 references in the Materials Considered list are -- 09:37  
5 relate -- that include that IPR case are CoolIT's 09:37  
6 patent owner response in IPR2020-00825 against 09:37  
7 CoolIT's '266 patent. And the PTAB's final written 09:37  
8 decision in IPR2020-00825 -- 09:37

9 BY MR. KNIGHT:

10 Q. Okay. 09:37

11 A. -- so, yeah. 09:37

12 Q. Okay. Do you know what an "IPR final 09:37  
13 written decision" is? 09:37

14 MS. BHATTACHARYYA: Objection. Calls for 09:37  
15 legal conclusions. 09:37

16 THE WITNESS: Well, I know that the PTAB is 09:37  
17 like a court in the -- my understanding is that the 09:37  
18 PTAB is like a court in -- associated with the 09:37  
19 patent office, and they handle appeals. And a final 09:38  
20 written decision would be like a court judgment, so 09:38  
21 that's the level of my understanding. I'm not a, 09:38  
22 you know, a patent attorney or, you know -- or -- so 09:38  
23 that -- but that's my understanding. 09:38

24 BY MR. KNIGHT: 09:38

25 Q. I totally understand, Dr. Tuckerman. Hey, 09:38

1 I'm not a liquid cooling expert, so we each have our 09:38  
2 lanes. 09:38

3 So the PTAB's final written decision in 09:38  
4 IPR2020-00825, was that a decision that was issued 09:38  
5 by the Patent Trial and Appeal Board or Dr. Tilton? 09:38

6 A. Well, a court decision would be issued by 09:38  
7 the board. It wouldn't be issued by a party to 09:38  
8 the... 09:38

9 Q. Okay. So just to clarify the record, 09:38  
10 Dr. Tilton's corrected supplemental declaration is 09:39  
11 not listed on your Materials Considered list; 09:39  
12 correct? 09:39

13 MS. BHATTACHARYYA: Objection. 09:39  
14 Mischaracterizes prior testimony. 09:39

15 THE WITNESS: Excuse me a minute. I need a 09:39  
16 couple minutes to refresh my memory on the Tilton 09:40  
17 document. I saw a great many documents since this 09:40  
18 case began and some of them involved the Tilton, but 09:40  
19 let me -- 09:40

20 BY MR. KNIGHT:

21 Q. I understand, Dr. Tuckerman, but that is not 09:40  
22 responsive to my question. My question is very 09:40  
23 simple. It's whether or not Dr. Tilton's corrected 09:40  
24 supplemental declaration is listed on your Materials 09:40  
25 Considered list. Could you answer that question for 09:40

1 me? 09:40

2 MS. BHATTACHARYYA: Objection. Asked and 09:40

3 answered. 09:40

4 THE WITNESS: To me, it's a -- well, the 09:40

5 question in my mind, and I think this is a -- 09:41

6 perhaps a legal technicality question, is whether 09:41

7 the -- whether this exhibit was incorporated in the 09:41

8 PTAB's final written decision. 09:41

9 I don't know whether it would be considered 09:41

10 as such or not. If it is not actually physically 09:41

11 part of that decision which is, you know, a 09:41

12 significant document, then I would say it's not on 09:41

13 the list. 09:41

14 BY MR. KNIGHT: 09:41

15 Q. Okay. 09:41

16 A. On the other hand, if it was integral to it, 09:41

17 then it would be on the list is the best answer I 09:41

18 can give you. 09:41

19 Q. Okay. So sitting here -- oh, I'm sorry. 09:41

20 Did you have anything else to say, Dr. Tuckerman? 09:41

21 A. No. 09:41

22 Q. Okay. Okay. So sitting here today, do you 09:41

23 know if you reviewed this document by Dr. Tilton or 09:42

24 another document by Dr. Tilton? 09:42

25 A. Well, I mean, like I say, I have seen many 09:42

1 documents by Dr. Tilton and I -- you know, this was 09:42  
2 in a large pile of documents that was shipped to me 09:42  
3 is -- you know, to the best of my recollection, it 09:42  
4 was in there, among other Tilton testimony. 09:42

5 Q. Okay. Okay. 09:42

6 A. I'm, you know -- I mean, like I say, there 09:42  
7 are lots of documents. But I'm quite sure some -- 09:42  
8 you know, anything relevant to the case was in there 09:42  
9 and this appears relevant so... 09:43

10 Q. Okay. Are you relying on this document if 09:43  
11 it's not identified in your Materials Considered 09:43  
12 list? 09:43

13 MS. BHATTACHARYYA: Objection. Form. 09:43

14 THE WITNESS: Well, that gets into -- please 09:43  
15 allow me to refresh my memory on what's in the 09:43  
16 document. 09:43

17 BY MR. KNIGHT: 09:43

18 Q. Go ahead. 09:43

19 A. Okay. So please repeat your question now 09:45  
20 that I've had a chance to read it. 09:45

21 Q. Uh-huh. 09:45

22 A. And now that I've had a chance to refresh my 09:45  
23 memory. 09:45

24 Q. Uh-huh. I asked you are you relying on this 09:45  
25 document if it's not identified on your Materials 09:45

1       Considered list? 09:45

2               MS. BHATTACHARYYA: Objection. Form. 09:45

3               THE WITNESS: I am not relying on it per se. 09:45

4       I certainly agree with Tilton, but I would have made 09:45

5       an identical argument, and I do make that argument. 09:45

6               So I'm not relying on Dr. Tilton's opinion 09:45

7       in this matter, although he is an expert who I have 09:45

8       great respect for. So I would say I concur with 09:45

9       Tilton's position, but I'm not relying on it because 09:46

10      I would have made, and I do make, the exact same 09:46

11      physical arguments in the text. 09:46

12      BY MR. KNIGHT: 09:46

13              Q. And you understand that you need to properly 09:46

14      identify everything that you rely on in your 09:46

15      Materials Considered list; right? 09:46

16              MS. BHATTACHARYYA: Objection. Form. 09:46

17              THE WITNESS: Well, I am not claiming to 09:46

18      have relied on Tilton. I was just saying that I 09:46

19      agree with Tilton. I understood he had that 09:46

20      position, but my position is an independently taken 09:46

21      position, which -- and that is the position that's 09:46

22      in my report. 09:46

23      BY MR. KNIGHT: 09:46

24              Q. I understand that, Dr. Tilton [verbatim]. I 09:46

25      think my question was slightly different. 09:46



1 A. Tuckerman. 09:46

2 Q. Or -- sorry. Sorry. The Ts. 09:47

3 My question was: Do you understand that you 09:47

4 need to properly identify everything that you rely 09:47

5 on in your Materials Considered list; correct? 09:47

6 MS. BHATTACHARYYA: Objection. Form. 09:47

7 THE WITNESS: That -- well, that certainly 09:47

8 makes sense. 09:47

9 BY MR. KNIGHT: 09:47

10 Q. Okay. Okay. Turning back to Dr. Tilton's 09:47

11 corrected supplemental declaration. What's the date 09:47

12 that appears on the document? 09:47

13 A. That's dated May 10th, 2021. 09:47

14 Q. Okay. Now, Dr. Tuckerman, do paragraphs 2 09:47

15 and 4 of Dr. Tilton's supplemental declaration in 09:48

16 IPR2020-00825 use nearly the same words verbatim as 09:48

17 in your paragraph 48 and 50 of your noninfringement 09:48

18 report? 09:48

19 A. Allow me to compare. 09:48

20 Repeat your question, please, now. 09:50

21 Q. Certainly. So, Dr. Tuckerman, do paragraphs 09:50

22 2 and 4 of Dr. Tilton's supplemental declaration in 09:50

23 IPR2020-00825 use nearly the same words verbatim as 09:50

24 in, respectively, paragraphs 48 and 50 of your 09:50

25 noninfringement report? 09:50

1 MS. BHATTACHARYYA: Objection. 09:50  
2 Mischaracterizes the documents. 09:50  
3 THE WITNESS: There is -- there are sections 09:50  
4 of -- there are, shall we say -- there is the use of 09:50  
5 the same words or a few words put together in places 09:50  
6 that -- let's put it this way, the -- Tilton's 09:50  
7 opinion is very sound, and there's some things that 09:51  
8 can't really be said more clearly or better than the 09:51  
9 way he put it. 09:51  
10 So I didn't see any reason that -- you know, 09:51  
11 having seen the report previously, you understand, 09:51  
12 and agreeing with that, I didn't see any reason to 09:51  
13 make every word different. I didn't think that I 09:51  
14 was, you know -- you know, being -- I didn't think 09:51  
15 there was an issue of, you know, being accused of 09:51  
16 plagiarism or something like that. It's just that 09:51  
17 in technical fields, when something is correct and 09:51  
18 true, people say things the same way. 09:51  
19 And so I didn't see any problem -- I don't 09:52  
20 see any problem that, in certain places, the same 09:52  
21 words were used as Tilton because it's -- but 09:52  
22 it's -- it is a position that is 100 percent 09:52  
23 defensible on its own. And the fact that some of 09:52  
24 the words are similar, I -- does not mean that I am 09:52  
25 relying on his document. 09:52

1 MR. KNIGHT: Okay. I would like to 09:52  
2 introduce as Exhibit 278, a redline comparing 09:52  
3 paragraphs 2 and 4 of Dr. Tilton's supplemental 09:52  
4 declaration in IPR2020-00825 to paragraphs 48 and 50 09:52  
5 of your noninfringement report. 09:53  
6 (Exhibit 278 marked for identification.) 09:53  
7 THE WITNESS: Is it uploaded? I don't see 09:53  
8 any exhibit. 09:53  
9 BY MR. KNIGHT: 09:53  
10 Q. Give me one moment, Dr. Tuckerman. 09:53  
11 A. Oh, surely. I will take a drink. 09:53  
12 Q. Yeah. We are doing a lot of talking. 09:53  
13 A. Yeah. 09:53  
14 Q. I'm getting parched as well. 09:53  
15 All right. Dr. Tuckerman, I have uploaded 09:54  
16 the redline. Let me know if you can see it. 09:54  
17 A. Yes. 09:54  
18 Q. Dr. Tuckerman, is this redline an accurate 09:54  
19 representation to you of the differences between 09:54  
20 Dr. Tilton's supplemental declaration at paragraphs 09:54  
21 2 and 4, and your noninfringement report at 09:54  
22 paragraphs 48 and 50? 09:54  
23 MS. BHATTACHARYYA: Objection. 09:54  
24 Mischaracterizes the document. 09:54  
25 THE WITNESS: Allow me to make my own 09:54

1 set them side by side. 10:01

2 Q. You're welcome to print them out if you'd 10:01

3 like. 10:01

4 A. Okay. I -- that would be really helpful. 10:01

5 On this laptop, I can't print. Well, let me just... 10:02

6 MR. KNIGHT: I'd like to go off the record. 10:02

7 THE WITNESS: Okay. I'm really sorry. I 10:02

8 just want to be sure that this... 10:02

9 MR. KNIGHT: Dr. Tilton [verbatim], while 10:02

10 you print those out, I'd like to go off the record, 10:02

11 if that's all right. 10:02

12 THE WITNESS: Okay. I mean, if my counsel 10:02

13 will stipulate that this has been done correctly, 10:02

14 then I would go ahead. I'm not trying to be 10:02

15 obstructionist. 10:02

16 MR. KNIGHT: I totally understand. I 10:02

17 understand you have got -- you've got to check all 10:02

18 this stuff and I would do the same thing so... 10:02

19 THE WITNESS: Okay. Should I sign off or 10:02

20 what do I do? 10:02

21 MS. BHATTACHARYYA: We can go off the 10:02

22 record. 10:02

23 THE VIDEOGRAPHER: We're going off the 10:02

24 record at 10:02 a.m. 10:02

25 (Off the record.) 10:03

1 THE VIDEOGRAPHER: We are on the record at 10:18  
2 10:18 a.m. This is the beginning of media 2 in the 10:18  
3 deposition of Dr. David Tuckerman. 10:18  
4 BY MR. KNIGHT: 10:19  
5 Q. Welcome back, Dr. Tuckerman. 10:19  
6 A. Thank you. 10:19  
7 Q. Rather than have you print out and compare 10:19  
8 the paragraphs that we discussed earlier, I'll just 10:19  
9 represent to you that the Exhibit 278 is a 10:19  
10 comparison of paragraphs 2 and 4 from Dr. Tilton's 10:19  
11 corrected supplemental declaration in IPR2020-00825 10:19  
12 to paragraphs 48 and 50 in your noninfringement 10:19  
13 report, and that it was generated using a computer 10:19  
14 program. 10:19  
15 Now, with that understanding in mind, 10:19  
16 Dr. Tuckerman, did you ask Dr. Tilton for permission 10:19  
17 to copy the words he used in paragraphs 2 and 4 of 10:19  
18 his corrected supplemental declaration? 10:20  
19 MS. BHATTACHARYYA: Objection. Form. 10:20  
20 THE WITNESS: I did not think it was 10:20  
21 necessary in -- that this was not an issue of, you 10:20  
22 know, publication matters that -- I should say, by 10:20  
23 the way, that my difficulties are I'm not -- I'm a 10:20  
24 different generation from you folks. I'm not real 10:20  
25 computer literate and about the most I can figure 10:20

1 out is how to get -- I borrowed this laptop so that 10:20  
2 one -- the one I'm looking at is not connected to my 10:20  
3 printer, and getting more than two things on there 10:20  
4 at the same time is -- I just was having trouble 10:20  
5 so... 10:20

6 But, anyway, you know, when something is 10:20  
7 true and correct and technically correct, you know, 10:20  
8 I don't feel the need to change around the words. 10:20  
9 You know, if I was publishing a paper, you know, 10:21  
10 then issues of permission might be relevant. But 10:21  
11 when I'm just stating a truth -- and let me be very 10:21  
12 clear, I'm not relying on Dr. Tilton's opinions. I 10:21  
13 think Dr. Tilton is correct, but these are -- these 10:21  
14 are exactly my own opinion on the subject because 10:21  
15 they're manifestly and obviously true physical facts 10:21  
16 so... 10:21

17 BY MR. KNIGHT: 10:21

18 Q. Okay. Okay. One last question on this, 10:21  
19 then I think we should probably move on. 10:21

20 And to your point about being from a 10:21  
21 different generation, I'm from a different 10:21  
22 generation than -- than like my sister, for example. 10:21  
23 I don't have social media, so I get it in a 10:21  
24 different context for sure. 10:21

25 In your professional opinion, is it 10:21

1 acceptable to copy the words of another author 10:21  
2 without citing to that author? 10:22  
3 MS. BHATTACHARYYA: Objection. Calls for a 10:22  
4 legal conclusion. Mischaracterizes the document. 10:22  
5 Mischaracterizes prior testimony. 10:22  
6 THE WITNESS: Yeah. Say the question again, 10:22  
7 please. 10:22  
8 BY MR. KNIGHT: 10:22  
9 Q. Sure. Sure. In your professional opinion, 10:22  
10 do you believe it is acceptable to copy the words of 10:22  
11 another author without citing that author? 10:22  
12 MS. BHATTACHARYYA: Same objection. 10:22  
13 Mischaracterizes. Mischaracterizes the documents. 10:22  
14 Mischaracterizes prior testimony. Calls for legal 10:22  
15 conclusions. Objection. Form. 10:22  
16 THE WITNESS: I would say it depends on 10:22  
17 context. I... 10:22  
18 BY MR. KNIGHT: 10:22  
19 Q. Okay. Okay. Let's move on. 10:22  
20 So I think we should turn to the body of 10:22  
21 your report. So in your report, you opine that 10:23  
22 Asetek could design around the CoolIT asserted 10:23  
23 patents; is that right? 10:23  
24 A. I do opine that, yes. 10:23  
25 Q. Okay. Okay. Now, in paragraphs 75 to 84 of 10:23

1 your report, does that contain the entirety of your 10:23  
2 opinions with respect to your proposed 10:23  
3 design-arounds? 10:23  
4 MS. BHATTACHARYYA: Objection. 10:23  
5 Mischaracterizes the report. 10:23  
6 THE WITNESS: Let me find the paragraphs. 10:23  
7 Which paragraph, please? 10:23  
8 BY MR. KNIGHT: 10:23  
9 Q. Paragraphs 75 through 84. 10:23  
10 A. Okay. And your question about these -- the 10:24  
11 question about these is what again, please? 10:24  
12 Q. Yeah. So do paragraphs 75 through 84 in 10:24  
13 your report contain the entirety of your opinion 10:24  
14 with respect to your proposed design-arounds? 10:24  
15 MS. BHATTACHARYYA: Same objections. 10:24  
16 THE WITNESS: I would say they represent an 10:24  
17 opinion of mine. I would not say that they are the 10:24  
18 only opinions that I might have, but they are the 10:24  
19 opinions that I've chosen to, you know, put to paper 10:24  
20 and submit to the court. 10:24  
21 I would reserve the right, if it's legally 10:24  
22 appropriate, to add additional arguments in that 10:25  
23 direction should it be, you know, necessary and 10:25  
24 appropriate. So I can't say that it's the entirety 10:25  
25 of my opinions on the subject. 10:25



1 out to be correct in certain context, certain gap 11:58  
2 widths, certain types of chip heat maps. 11:58

3 But having Dr. Stein's simulation results 11:58  
4 certainly gave me more confidence in stating what I 11:58  
5 stated. So, you know, like I said, I have the 11:58  
6 issues -- this word "rely" is constantly used, and I 11:58  
7 don't know if it has a legal meaning. I probably 11:58  
8 should learn that. I'm not a lawyer. But I find it 11:58  
9 a very strong supporting material for my opinion. 11:58

10 BY MR. KNIGHT: 11:58

11 Q. Okay. Okay. Now, is it your understanding 11:58  
12 that the testing Dr. Stein did was using both the 11:58  
13 cold plate design-arounds and the gasket 11:59  
14 design-arounds together? 11:59

15 MS. BHATTACHARYYA: Objection. 11:59  
16 Mischaracterizes the report. 11:59

17 THE WITNESS: Okay. I cannot recall for 11:59  
18 sure if the gasket change was in the simulation. 11:59  
19 It -- I wouldn't have expected it to make a material 11:59  
20 difference so... but I -- my memory is failing me on 11:59  
21 the point of -- of that. It -- 11:59

22 BY MR. KNIGHT: 11:59

23 Q. Okay. 11:59

24 A. Yeah. Like I say, I wouldn't have expected 11:59  
25 it to matter, but it -- I'm just having -- I was 11:59

1 more concerned with the -- what would really change 11:59  
2 the thermal performance, which was the microchannel 12:00  
3 plate. 12:00  
4 Q. Okay. Okay. Yep. Whatever you remember, 12:00  
5 Dr. Tuckerman. 12:00  
6 Okay. So in paragraph 84, you reference 12:00  
7 Asetek's Gen 3 and Cooler Master products, and you 12:00  
8 opine that those are acceptable design-arounds; 12:00  
9 correct? 12:00  
10 A. Paragraph 84; right? 12:00  
11 Q. That's right. 12:00  
12 MS. BHATTACHARYYA: Objection. 12:00  
13 Mischaracterizes the report. 12:00  
14 THE WITNESS: Okay. But the actual words I 12:00  
15 used -- okay, I say that the CoolIT Exhibit 129 12:00  
16 shows that: 12:01  
17 "Cooler Master's MasterLiquid 240R 12:01  
18 does not have split flow (...it has 12:01  
19 end-to-end flow in the microchannels), 12:01  
20 but its thermal resistance at a given 12:01  
21 fan speed is better than the comparable 12:01  
22 Corsair product that has split flow in 12:01  
23 the microchannels." 12:01  
24 "...counsel for Asetek independently 12:01  
25 confirmed that" it does not have -- 12:01

1 "the MasterLiquid 240R does not have 12:01  
2 split flow. It is further my 12:01  
3 understanding that the Cooler Master 12:01  
4 Liquid 240 is a meaningful competitor 12:01  
5 to Asetek and CoolIT/Corsair's 12:01  
6 desktop liquid cooling products. 12:01  
7 It is, therefore, reasonable to infer 12:01  
8 that the thermal performance of the 12:01  
9 nonsplit-flow Cooler Master product 12:01  
10 is acceptable to customers of desktop 12:01  
11 liquid cooling products." 12:02  
12 So in the context -- so what that -- in 12:02  
13 simple words, what that's saying is that here is a 12:02  
14 nonsplit-flow design that is performing comparable 12:02  
15 to other split-flow designs, and given that, there's 12:02  
16 a -- it would seem to be a perfectly acceptable 12:02  
17 option for customers. 12:02  
18 BY MR. KNIGHT: 12:02  
19 Q. Okay. Okay. And to your knowledge, why 12:02  
20 hasn't Asetek implemented either of those designs? 12:02  
21 MS. BHATTACHARYYA: Objection. Outside the 12:02  
22 scope of the report. 12:02  
23 THE WITNESS: I cannot speculate on why 12:02  
24 Asetek makes design choices. 12:02  
25 / / / 12:02

1 BY MR. KNIGHT: 12:02

2 Q. Would you agree that these design-arounds 12:02

3 are easy to implement? 12:03

4 A. Would I agree that they're what? 12:03

5 Q. That the design-arounds that you described 12:03

6 in paragraph 84 would be easy to implement? 12:03

7 A. Relatively, yes. 12:03

8 Q. Okay. And you understand that CoolIT is 12:03

9 asserting Asetek owes it millions of dollars for 12:03

10 past sales of the infringing products; right? 12:03

11 A. I don't know the dollar figures, but I know 12:03

12 there's money involved. 12:03

13 Q. Okay. So if the design-arounds are easy to 12:03

14 implement and provide the performance that you say 12:03

15 that they do, why doesn't Asetek implement those 12:03

16 design-arounds to avoid paying the millions of more 12:03

17 dollars? 12:03

18 MS. BHATTACHARYYA: Objection. Outside the 12:03

19 scope of the report. Calls for speculation. 12:03

20 THE WITNESS: Well, yes, I mean, that is 12:03

21 certainly calling for speculation. 12:04

22 What I can say is that engineering product 12:04

23 design is a matter of trade-offs and the -- you 12:04

24 know, I -- you know -- first of all, you know, I 12:04

25 think, you know, we have a position that there is 12:04

1 not infringement in the first place. Okay. So, you 12:04  
2 know why would you redesign something when you don't 12:04  
3 believe that there's genuine infringement? 12:04

4 The split-flow is just an embodiment of a 12:04  
5 concept that was in my Ph.D. thesis that says if you 12:04  
6 have shorter channels, you can optimize for higher 12:04  
7 performance, all other things being the same. But 12:04  
8 things -- all other things are not the same in the 12:05  
9 design. 12:05

10 It may make more sense to, you know, just 12:05  
11 use a different pump rather than doing split-flow 12:05  
12 and that may end up being a cheaper solution, you 12:05  
13 know, and give you the same performance. It's 12:05  
14 not -- you can -- these are just engineering and 12:05  
15 manufacturing decisions that people make, and 12:05  
16 they're -- they're quite -- they're not -- there's 12:05  
17 no simple answers to what's the best structure. 12:05

18 BY MR. KNIGHT: 12:05

19 Q. Okay. Okay. Okay. Let's move on to 12:05  
20 another sentence in paragraph 84. You opine that: 12:05

21 "It is further my understanding that 12:05  
22 the Cooler Master MasterLiquid 240R is 12:05  
23 a meaningful competitor to Asetek and 12:05  
24 CoolIT/Corsair's desktop liquid cooling 12:05  
25 products." 12:06

1 Correct? 12:06

2 A. Yeah, I see that sentence, yes. 12:06

3 Q. Okay. What is that understanding based on? 12:06

4 MS. BHATTACHARYYA: Dr. Tuckerman, again, I 12:06

5 can -- I'll caution you about the Rule 26 12:06

6 protection. You can provide an answer as to any 12:06

7 fact or data that was provided by counsel to you, 12:06

8 but that's the extent of the answer that you should 12:06

9 provide. 12:06

10 THE WITNESS: Yeah, I mean, I'd have to -- 12:06

11 I'd have to check something that's -- look up 12:06

12 something to -- to go further on that. May I have a 12:07

13 minute or two? 12:07

14 BY MR. KNIGHT: 12:07

15 Q. Certainly. Take the time that you need. 12:07

16 Dr. Tuckerman, I think we lost you on video. 12:07

17 A. Sorry about that. I pushed the wrong 12:07

18 button. 12:07

19 Sorry. Those notifications are mine, and I 12:09

20 don't know how to mute them. 12:09

21 MS. BHATTACHARYYA: Dr. Tuckerman, are you 12:09

22 reading your report? 12:09

23 THE WITNESS: No. I was trying to look up 12:10

24 something. 12:10

25 Okay. So I -- yeah, I mean, I don't have -- 12:10

1 I thought maybe I had something, but I don't. 12:10

2 Repeat your -- oh, your question was -- 12:10

3 repeat the question, please. 12:10

4 BY MR. KNIGHT: 12:10

5 Q. I want to know what was the basis for your 12:10

6 understanding when you say, "It is further my 12:10

7 understanding that the Cooler Master MasterLiquid 12:10

8 240R is a meaningful competitor to Asetek and

9 CoolIT/Corsair's desktop liquid cooling products" in 12:10

10 paragraph 84. 12:10

11 A. Okay. 12:10

12 MS. BHATTACHARYYA: Same precautions as 12:10

13 before. 12:10

14 THE WITNESS: Yeah. And your stipulation, 12:10

15 Arpita, was again, what -- about what I could say? 12:10

16 MS. BHATTACHARYYA: If it's -- if counsel 12:10

17 provided you a fact or a data that you considered, 12:10

18 then you can -- you can mention that. But that's 12:11

19 the extent to which you should answer your question. 12:11

20 THE WITNESS: Okay. So I was shown a 12:11

21 document that was -- oh, well, yeah. Exhibit 129, I 12:11

22 mean, there it is. Right? Yeah, that's it. That's 12:11

23 what I was looking for. 12:11

24 Can I see Exhibit 129, please to the -- 12:11

25 Exhibit 129 to the Mostafavi deposition, CoolIT 12:11

1 0036274-88. If you would upload that, please. 12:11

2 MR. KNIGHT: Okay. We can do that later. 12:11

3 BY MR. KNIGHT: 12:11

4 Q. So I have another question. So what do you 12:11

5 mean in that sentence when you say "a meaningful 12:11

6 competitor"? 12:11

7 A. Well, I feel I could answer that more 12:11

8 clearly if I had that document uploaded, please. 12:12

9 Q. I understand that it might be easier to do 12:12

10 that, but I mean, these opinions are yours in your 12:12

11 report; correct? 12:12

12 A. They certainly are and it relies -- 12:12

13 Q. And you adopted those opinions; correct? 12:12

14 A. My -- 12:12

15 MS. BHATTACHARYYA: Objection. 12:12

16 Mischaracterizes the report. 12:12

17 BY MR. KNIGHT: 12:12

18 Q. So, presumably, you have an understanding of 12:12

19 what a "meaningful competitor" is when you opine on 12:12

20 it in your report; correct? 12:12

21 MS. BHATTACHARYYA: Objection. 12:12

22 Mischaracterizes the report. 12:12

23 THE WITNESS: Well, when these -- this 12:12

24 report relied on certain documents, and I would like 12:12

25 to have the right to the -- in order to give a 12:12



1 complete and convincing answer, I would like the 12:12  
2 ability to refer to a document that I have cited in 12:13  
3 my own report. 12:13

4 BY MR. KNIGHT: 12:13

5 Q. So you're telling me, sitting here today, 12:13  
6 that you cannot tell me what you mean by a 12:13  
7 "meaningful competitor" without being able to 12:13  
8 reference a separate exhibit? 12:13

9 MS. BHATTACHARYYA: Objection. 12:13  
10 Mischaracterizes prior testimony. Mischaracterizes 12:13  
11 Dr. Tuckerman's report. 12:13

12 THE WITNESS: I am saying no such thing. I 12:13  
13 certainly -- well -- 12:13

14 BY MR. KNIGHT:

15 Q. If that's the case, Dr. Tuckerman, then what 12:13  
16 do you mean when you say a "meaningful competitor" 12:13  
17 in paragraph 84? 12:13

18 A. It was meaningful enough that CoolIT's own 12:13  
19 internal documents had it in a competitive analysis, 12:13  
20 and they wouldn't have done that if they didn't 12:13  
21 consider them a meaningful competitor. 12:13

22 Q. And by "they," you mean -- 12:13

23 A. CoolIT -- CoolIT would have not included it 12:14  
24 in a competitive analysis if they did not consider 12:14  
25 that particular single-pass product to be a 12:14

1 meaningful competitor. Why would you bother if they 12:14  
2 were not taking some -- a meaningful amount of your 12:14  
3 market share? So that's just, you know, a business 12:14  
4 common sense. 12:14

5 Q. So when you say the term "meaningful 12:14  
6 competitor," are you talking about a meaningful 12:14  
7 competitor to CoolIT? 12:14

8 A. Well -- 12:14

9 MS. BHATTACHARYYA: Objection. Document 12:14  
10 speaks for itself. 12:14

11 THE WITNESS: -- what I say in the document 12:14  
12 is a meaningful -- "a meaningful competitor to 12:14  
13 Asetek and CoolIT/Corsair's desktop liquid cooling 12:14  
14 products." I mean, it is all the same market, you 12:15  
15 know. They're all -- Asetek, CoolIT/Corsair, they 12:15  
16 are going after the same market. 12:15

17 And so a product that is a meaningful 12:15  
18 competitor to CoolIT would also presumably be a 12:15  
19 meaningful competitor to Asetek because it is taking 12:15  
20 market share from, you know, both of them. 12:15

21 BY MR. KNIGHT: 12:15

22 Q. Okay. Now, did you do any testing on the 12:15  
23 Cooler Master product? 12:15

24 A. No, I didn't do any performance testing on 12:15  
25 them. 12:15

1 Q. Okay. Did you buy or inspect the Cooler 12:15  
2 Master product? 12:15  
3 A. Okay. Let's -- Cooler Master product... 12:15  
4 Let's check Materials Considered. 12:15  
5 No. It's not on the list, so it would not 12:16  
6 be one that I've had my hands on. 12:16  
7 Q. Okay. And you didn't ask Asetek about 12:16  
8 whether the Cooler Master product competes with 12:16  
9 Asetek's products, did you? 12:16  
10 A. As I've said -- 12:16  
11 MS. BHATTACHARYYA: Objection. 12:16  
12 Mischaracterizes the report. 12:16  
13 THE WITNESS: As I've said, I've never 12:16  
14 spoken with Asetek, and so I don't listen to the 12:16  
15 rest of any question that starts with, did I ask 12:16  
16 Asetek something. 12:16  
17 BY MR. KNIGHT: 12:16  
18 Q. Okay. So do you know if Asetek considers 12:16  
19 Cooler Master a competitor in all of its market 12:16  
20 segments? 12:16  
21 MS. BHATTACHARYYA: Objection. Calls for 12:16  
22 speculation. 12:16  
23 THE WITNESS: I wouldn't know what segments 12:16  
24 they consider them a competitor in or not. That's 12:16  
25 out -- outside of the bounds of what I was asked to 12:16

1 opine on. 12:16

2 BY MR. KNIGHT: 12:16

3 Q. Okay. Okay. Well, would it surprise you to 12:16

4 know that Asetek does not consider Cooler Master a 12:17

5 competitor in all of its market segments 12:17

6 historically? 12:17

7 MS. BHATTACHARYYA: Objection. Outside the 12:17

8 scope of the report. 12:17

9 THE WITNESS: Well, you said "in all of its 12:17

10 market segments," so I might infer from that that 12:17

11 you think that in some market segments they do, or 12:17

12 else you wouldn't have asked the question that way. 12:17

13 And I come back to the report. Why was it 12:17

14 in a confidential competitive analysis if they 12:17

15 didn't care about them at all? 12:17

16 BY MR. KNIGHT: 12:17

17 Q. And that report was CoolIT's report; is that 12:17

18 correct? 12:17

19 A. Well, it's the one I've asked you to pull up 12:17

20 and you haven't, you know -- which you haven't done 12:17

21 so, you know, we could discuss it more if you pull 12:17

22 it up. 12:17

23 Q. So you're not going to answer my question? 12:17

24 A. Please repeat the question. 12:18

25 MS. BHATTACHARYYA: Objection. Asked and 12:18

1 answered. 12:18

2 BY MR. KNIGHT: 12:18

3 Q. My question is whether the report that you 12:18

4 referred to in your prior answer was CoolIT's 12:18

5 report. 12:18

6 MS. BHATTACHARYYA: Objection. Asked and 12:18

7 answered. 12:18

8 THE WITNESS: Well, it clearly in my report 12:18

9 says: 12:18

10 "CoolIT's own documents show that 12:18

11 this is not correct. For example, 12:18

12 COOLIT00036274-88 (Exhibit 129 to 12:18

13 the Mostafavi deposition)." 12:18

14 So that is a CoolIT document. 12:18

15 BY MR. KNIGHT: 12:18

16 Q. Okay. Now, did you conduct any surveys 12:18

17 about the acceptability of the Cooler Master product 12:18

18 to Asetek's customers? 12:18

19 MS. BHATTACHARYYA: Objection. Outside the 12:18

20 scope of the report. 12:18

21 THE WITNESS: Independently, I did not 12:18

22 conduct such surveys and was not asked to and didn't 12:18

23 think it was relevant to a noninfringement report. 12:19

24 BY MR. KNIGHT: 12:19

25 Q. Okay. And did you do anything yourself to 12:19

1 determine whether the Cooler Master product is a 12:19  
2 meaningful competitor to the Asetek and 12:19  
3 CoolIT/Corsair desktop liquid cooling products? 12:19

4 MS. BHATTACHARYYA: Objection. 12:19  
5 Mischaracterizes the report. Outside the scope of 12:19  
6 the report. 12:19

7 THE WITNESS: I saw this internal CoolIT 12:19  
8 document, which I have referenced, in which there 12:19  
9 was about half a dozen products evaluated for their 12:19  
10 thermal performance. This particular Cooler Master 12:19  
11 product was among that small group. 12:19

12 And I, as a -- a person with some not 12:19  
13 inconsiderable experience in high-tech business and 12:19  
14 electronics and pack- -- in electronic packaging, 12:19  
15 I -- you know, and an MBA, by the way, from 12:20  
16 Stanford, in addition to my Ph.D., it seemed a very 12:20  
17 reasonable conclusion, just based on that report, 12:20  
18 that they were considered a meaningful competitor. 12:20  
19 You know, to what extent meaningful? I don't know, 12:20  
20 but I can assure you no one would have bothered to 12:20  
21 put it in a report where there's only five or six 12:20  
22 items looked at if they didn't consider it 12:20  
23 meaningful. 12:20

24 BY MR. KNIGHT: 12:20

25 Q. Okay. Okay. Great. Just a few more 12:20

1 questions and I think it would be a good time to 12:20  
2 break for lunch. All right. 12:20  
3 All right. So let's go back to paragraph 80 12:20  
4 of your report. And look at the images on page 43, 12:20  
5 44, and 45. 12:21  
6 A. Okay. 12:21  
7 Q. Do you see those? 12:21  
8 A. Yes. 12:21  
9 Q. Great. Where did you get those drawings 12:21  
10 from? 12:21  
11 MS. BHATTACHARYYA: Again, Dr. Tuckerman, I 12:21  
12 can -- I'll caution you about the Rule 26 12:21  
13 protections. 12:21  
14 THE WITNESS: They were supplied by counsel 12:21  
15 and included in the first draft of the report. 12:21  
16 BY MR. KNIGHT: 12:21  
17 Q. Okay. And what format did you receive those 12:21  
18 drawings in? 12:21  
19 MS. BHATTACHARYYA: Again, same cautions as 12:21  
20 before. And, Mr. Knight, do we have that 12:21  
21 stipulation in place that if I let Dr. Tuckerman 12:21  
22 answer questions about this communication, the 12:21  
23 format of communication, that it does not waive any 12:21  
24 of the protection -- does not any -- Rule 26 12:21  
25 protections? 12:22

I, JANIS JENNINGS, CSR No. 3942, Certified  
Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was duly sworn by me;

That the testimony of the witness, the  
questions propounded, and all objections and statements  
made at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

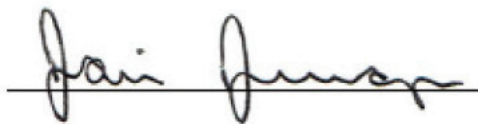
That the foregoing pages contain a full, true  
and accurate record of all proceedings and testimony.

Pursuant to F.R.C.P. 30(e)(2) before  
completion of the proceedings, review of the transcript  
[X] was [ ] was not requested.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the  
laws of California that the foregoing is true and  
correct.

Dated this 3rd day of January 2022.

A handwritten signature in cursive script, appearing to read "Janis Jennings", is written over a horizontal line.

JANIS JENNINGS, CSR NO. 3942

CLR, CCRR